

REMARKS

Claims 1-2, 4-14, and 16-21 are pending with claims 20-21 added by this paper.

Claim Rejections Under 35 U.S.C. §103

Goldstein

Claims 1-2, 4-5, 8-10, and 12-14 stand rejected as allegedly being unpatentable over U.S. Patent No. 6,143,037 (Goldstein). Applicants respectfully traverse these rejections.

Goldstein discloses over 20 medical devices, which may be coated by various compositions and methods (column 31, lines 25-48). Goldstein also discloses a host of polymers useful in the invention (col. 14, line 64 - col. 15, line 10).

The fact a claimed product might be found within the broad field of the prior art and one might arrive at it by selecting specific items and conditions does not render the product obvious in the absence of some direction or reasons for making the selection. *See Ex parte Koon*, 132 U.S.P.Q. 359 (Pat. Bd. of App. 1962) and *In re Baird*, 29 U.S.P.Q. 2d 1550 (CAFC 1994). In this case, Goldstein prefers medical devices such as sutures (col. 31, lines 49-63), and exemplifies coating sutures, screws, and ceramic particles. See, cols. 32-35. Goldstein fails to provide any preferences or examples of a stent comprising a coating or a coating for a stent where the coating comprises a polymer or a polymer mixture, which in turn, respectively, comprises a polycyanoacrylic acid ester or a polymethylene malonic acid ester, or a mixture thereof, or is made from a cyanoacrylate and/or a methylene malonic acid ester. Consequently, out of the vast numbers of polymers that may be chosen to coat a variety of medical devices, Goldstein fails to provide any guideposts or blazemarks for one of skill in the art to pick out a specific combination to anticipate Applicants' invention. Consequently, Applicants respectfully submit that these rejections should be withdrawn.

In addition, Goldstein fails to teach or suggest a softener (relevant to claim 9) or a nonionic surfactant (relevant to claim 10). Thus, this further demonstrates the patentability of the invention as defined by those claims.

Goldstein in view of Clark

Claims 6-7, 11 and 16-19 stand rejected as allegedly being unpatentable over Goldstein in view of U.S. Patent No. 6,143,352 (Clark). Applicants respectfully traverse these rejections because the citation of Clark fails to cure the deficiencies of the primary reference Goldstein. What is more, neither reference teaches or suggests a nonionic surfactant of nonylphenoxy polyethylene oxide, octoxynol, or a poloxamer (relevant to claim 17) or a coating comprising a polymethylene malonic acid ester (relevant to claim 19). Thus, this further demonstrates patentability of the present invention with respect to those claims.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited a telephone conference, the Examiner is courteously invited to telephone counsel at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

James E. Ruland (Reg. No. 37,432)
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: SCH 1705

Date: March 14, 2003

JER/lvb